IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

TUESDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO: 13713 of 2005

Between:

Tikam Chand S/o. Ramnath
Distillery Road, Ranigunj, Secunderabad.

..... PETITIONER

A N D

1 The Commissioner of Municipal Corporation Of Hyderabad,

Hyderabad.
2 The Additional Commissioner of Municipal Corporation of

Hyderabad , at Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to pass appropriate writ, order or direction particularly one in the nature of writ of Mandamus declaring the action of the respondent in not taking appropriate steps pursuant to the notice issued by the 1st respondent No. TP/SD/MCH/040/05, dt.22-1-2005 proposing to demolish the premises bearing No. 5-1-450 to 453 situated at Ranigunj, Secunderabad and further declare the action of the respondents in not implementing the orders passed by the Hon'ble High Court in W.P.No.25929/2000 dt.27-12-2000 as illegal, improper, arbitrary, unreasonable and consequently direct the respondent authorities to take steps to demolish the premises bearing No. 5-1-

450 to 453 situate at Ranigunj, Secunderabad so as to prevent the premises from being collapsed by conducting proper enquiry.

Counsel for the Petitioner: MR.V.MADHUSUDANA RAO

Counsel for the Respondents: MRS.G.JYOTHI KIRAN

O R D E R

This writ petition is filed to declare the action of the respondents in not taking appropriate steps pursuant to the notice No.TP/SD/MCH/040/05, dated 22-1-2005 issued by the first respondent, proposing to demolish the premises bearing No.5-1-540 to 453 situate at Ranigunj, Secunderabad and further declare the action of the respondents in not implementing the orders passed by this court in WP.No.25929 of 2000 dated 27-12-2000 as illegal, improper, arbitrary, unreasonable and consequently direct the respondent authorities to take steps to demolish the premises bearing No.5-1-450 to 453 situate at Ranigunj, Secunderabad so as to prevent the premises from being collapsed by conducting proper enquiry.

The case of the petitioner is that he is the owner of the premises bearing No.5-1-450 to 453 situate at Distillery Road, Ranigunj, Secunderabad. In the year 1993, he had let out two mulgis bearing No.5-1-450 and 451 to one Abedin Tools Syndicate and another to M/s. Meghana Trading Company. The petitioner submits that the respondent authorities issued notice under section 469 and 456 of Hyderabad Municipal Corporation Act to his tenants, directing them to vacate the premises so as to demolish the entire building for the purpose of road widening. The petitioner being the owner of the said premises gave consent to the respondent authorities and

agreed for demolition of the said premises. His tenants approached the civil court and filed OS.Nos.1174 of 1995 and 79 of 1996 but the same were demised and thereafter the matter was carried in appeal. The first appellate court dismissed the appeals and confirmed the order of trial court. Thereafter, SA.No.1049 of 2000 was preferred but subsequently his tenant had withdrawn the same on 20-12-2000.

The petitioner submits that when his tenant failed to get orders from the civil courts, he filed WP.No.25929 of 2000 before this court seeking to quash the said notices. While disposing of WP.No.25929 of 2000, this court directed the respondent authorities to order for a spot enquiry and inspect the premises by an Officer other than the one who issued notice dated 23-11-2000 after issuing notice to him and to his tenant and further directed the authorities to pass appropriate orders after hearing the objections.

Admittedly, the petitioner is the owner of the aforesaid premises and he has given consent for demolition. Thereafter, at the instance of the tenants suits were filed and in the first round of litigation when the tenants failed to obtain any order from competent civil court, WP.No.25929 of 2000 was filed invoking the inherent jurisdiction of this court and obtained orders. Now after the disposal of the above writ petition, the respondent authorities have issued the impugned notice dated 22-1-2005. When the owner of the premises has no objection for demolition of the building, as the said building is in a dilapidated condition and it is not the complaint made by the tenants that the respondents have not complied the directions issued by this court. Therefore, I am not able to appreciate the contentions raised in this writ petition, which is filed at the instance of the owner of the building, who has given

consent for demolition of the aforesaid premises. It is for the tenants to make complaint for non-compliance of the orders passed by this court in WP.No.25929 of 2000 dated 27-12-2000. The writ petition fails and is liable to be dismissed.

In the result, the writ petition is accordingly dismissed at the admission stage. No costs.

JUNE 28th, 2005. ----------

I S L. ELIPE DHARMA RAO, J.

To

1 The Commissioner of Municipal Corporation Of Hyderabad,

Hyderabad.
2 The Additional Commissioner of Municipal Corporation of

Hyderabad , at Secunderabad.

3 1 CC to MR.MADHUSUDANA RAO

4 Two CCs to Mrs.G.Jyothi Kiran, Standing Counsel for the

Respondents, High Court Buildings, High Court of AP Hyderabad.

5 Two C.D. Copies.